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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,029	07/24/2006	Masahiro Orita	Q96124	9255
65565	7590	04/16/2010		
SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER GREEN, TRACIE Y	
			ART UNIT	PAPER NUMBER
			2879	
			NOTIFICATION DATE	DELIVERY MODE
			04/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/587,029	Applicant(s) ORITA ET AL.	
	Examiner Tracie Green	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/22/2010 has been entered.

Response to Amendment

2. Receipt is acknowledged of applicant's amendment filed 10/29/2009. Claims 1-13 are pending and an action on the merits is as follows.

3. Applicant's amendments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4,6,8,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertram et al. (US 2003/0042850 A1).

Art Unit: 2879

Regarding claim 1, Bertram et al. (Bertram, hereafter) teaches (Figure 1) quantum dot-dispersed light emitting device comprising: a substrate (1); an electron injection electrode (4) (§30, lines 9-11); a hole injection electrode (2) (§20, lines 10-13); and an inorganic light emitting layer (3) (§29, lines 1-4) disposed so as to be in direct contact with both the electrodes, wherein the inorganic light emitting layer (3) (§30, includes an ambipolar inorganic semiconductor material (§29, lines 1-4) (Prior art teaches ZnS) and nanocrystals constituting a quantum dot (§29, lines 1-4) dispersed as luminescent centers in the ambipolar inorganic semiconductor material, (§38, 9-11) and is configured without having, at the interface with the electron injection electrode and/or the hole injection electrode, epitaxial relation there with.

Regarding claim 4, Bertram teaches wherein the inorganic light emitting layer comprises a ZnS type semiconductor phase (§29, lines 3-4)

Regarding claim 6, Bertram teaches wherein the nanocrystals constituting a quantum dot contain any of InP, GaAs, and GaP as a main component (§21, lines 8-11)

Regarding claim 8, Bertram teaches wherein the substrate (1) is a glass substrate (§20, lines 1-2)

Regarding claim 9, Bertram teaches wherein the electron injection electrode (4) and the hole injection electrode (2) are disposed spaced apart from each other, with the inorganic light emitting layer interposed there between, in a lamination on the substrate.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2879

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850 A1).

Regarding claims 12 and 13, Bertram teaches the light emitting device set forth above. Bertram does not explicitly teach display apparatus or illumination comprising the quantum dot-dispersed light emitting device. Rather he teaches the benefits of having such a device in optoelectronic devices. One of ordinary skill in the art could utilize the device of Bertram in a display device or illumination device in order to provide a lamp with lower driving voltage, brighter image, and improved durability.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850 A1) in view of Danek et al. ("Electrospray Organometallic vapor deposition- A novel technique for preparation of Quantum Dot composites").

Regarding claims 2-3, Bertram teaches the light emitting device set forth above (see rejection claim 1). Bertram is silent regarding wherein the ambipolar inorganic semiconductor material is an amorphous semiconductor phase (Claim 2) or a polycrystal semiconductor phase (Claim 3).

In the same field of endeavor of semiconductor light-emitting devices, Danek et al. teaches wherein the ambipolar inorganic semiconductor material is an amorphous semiconductor phase or a polycrystal semiconductor phase (Abstract, lines 4-7) in order to provide a device with improved emission and light efficiency.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the light-emitting device of Bertram wherein the ambipolar inorganic semiconductor material is an amorphous semiconductor phase or a polycrystal semiconductor phase (Abstract, lines 4-7) in order to provide a device with improved emission and light efficiency as taught by Danek et al.

9. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850 A1) in view of Mensz (US 5,422,902)

Regarding claims 5 and 7, Bertram teaches the light emitting device set forth above (see rejection claim 1). Bertram is silent regarding wherein the inorganic light emitting layer (claim 4) or the hole injection electrode (claim 7) comprises $Zn_pM_{1-p}S_xSe_yTe_{1-x-y}$ (where $0 \leq x, y, x+y \leq 1, 0 < p \leq 1$, M: alkaline-earth metal, Cd).

In the same field of endeavor of semiconductor light-emitting devices, Mensz teaches wherein the inorganic light emitting layer (Column 3, lines 1-5) $Zn_pM_{1-p}S_xSe_yTe_{1-x-y}$ (where $0 \leq x, y, x+y \leq 1, 0 < p \leq 1$, M: alkaline-earth metal, Cd) in order to provide a device with decreased operating voltage and allowing for the use of a thinner cladding layer. Mensz does not explicitly teach the hole injection electrode comprises $Zn_pM_{1-p}S_xSe_yTe_{1-x-y}$ (where $0 \leq x, y, x+y \leq 1, 0 < p \leq 1$, M: alkaline-earth metal, Cd).

However, one of ordinary skill in the art at the time of the invention could modify the light emitting device of Bertram wherein the inorganic light emitting layer or the hole injection electrode comprises $Zn_pM_{1-p}S_xSe_yTe_{1-x-y}$ (where $0 \leq x, y, x+y \leq 1, 0 < p \leq 1$, M: alkaline-earth metal, Cd) as taught by Mensz; wherein the inorganic light emitting layer or the hole injection electrode comprises $Zn_pM_{1-p}S_xSe_yTe_{1-x-y}$ (where $0 \leq x, y, x+y \leq 1$,

Art Unit: 2879

$0 < p \leq 1$, M: alkaline-earth metal, Cd) in order to provide a device with decreased operating voltage and allowing for the use of a thinner cladding layer as taught by Mensz.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al. (US 2003/0042850 A1) in view Hayashi et al. (US 2002/0167280 A1).

Bertram teaches the light emitting device set forth above (see rejection claim 1). Bertram is silent regarding wherein the electron injection electrode and the hole injection electrode are disposed spaced apart from each other in a plane on the substrate.

In the same field of endeavor of light emitting devices, Hayashi et al. (Figure 15, 16) teaches wherein the electron injection electrode (5a) and the hole injection electrode (5b) are disposed spaced apart from each other in a plane on the substrate in order to provide of a device wherein improving reliability of hole and electron injection, the luminance of a light-emitting device, and a light-emitting display can be improved.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the light-emitting device of Bertram wherein the electron injection electrode and the hole injection electrode are disposed spaced apart from each other in a plane on the substrate in order to provide of a device wherein improving reliability of hole and electron injection, the luminance of a light-emitting device, and a light-emitting display can be improved as taught by Hayashi et al.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertram et al (US 2003/0042850 A1) in view Koyama et al. (US 2003/0094897 A1).

Art Unit: 2879

Bertram teaches the light emitting device set forth above (see rejection claim 1). Bertram is silent regarding wherein a gate electrode is disposed between the electron injection electrode and the hole injection electrode.

In the same field of endeavor of light emitting devices, Koyama et al. teaches (Figure 6) wherein a gate electrode (70) is disposed between the electron injection electrode (20) and the hole injection electrode (40) in order to provide a device where emitted light can be obtained with high efficiency and with high directionability by selectively controlling the drive voltage (Paragraph 28)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the light-emitting device of Bertram wherein a gate electrode is disposed between the electron injection electrode and the hole injection electrode in order to provide a device where emitted light can be obtained with high efficiency and with high directionability by selectively controlling the drive voltage as taught by Koyama et al.

Response to Arguments

12. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracie Green whose telephone number is (571)270-3104. The examiner can normally be reached on Mon-Thurs 7:00am-5pm.

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Tracie Green/
Examiner, Art Unit 2879

/Sikha Roy/
Primary Examiner, Art Unit 2879